

REMARKS

Claims 50-64 presently stand rejected. Claims 50, 55, and 58 and 60 have been amended. Claim 65 has been added. Thus, with the filing of this paper, claims 50-65 are pending. Reconsideration of the pending claims in view of the below remarks are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 50-64 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 5,754,233 to Takashima. Without conceding USP 5,754,233 is an eligible reference, Applicants respectfully traverse the rejections.

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Amended claim 55 recites, in pertinent part, a compressor including a “first data storage queue... coupled to provide the processor separate from uncompressed image data stored in the first data storage queue, a respective current byte count of a current frame of the uncompressed image data stored in the first data storage queue...to allow the processor to facilitate an adjusting of a target frame rate.” Applicants respectfully submit that Takashima fails to teach or disclose at least the above limitation.

The Examiner has cited the frame memory 102 and timing control circuit 105 illustrated in Figure 5 of Takashima as corresponding to Applicants’ respective claimed first data storage queue and processor of previous claim 55. Office Action, page 3, lines 2 – 4. The Examiner has further alleged that counter 104 “counts the current byte count” of Video In of Figure 5 and that the providing of this count to timing control circuit 105, thus reads on the “provid[ing] the processor ...a respective current byte count of the uncompressed image data” of claim 55. Office Action, lines 6-9. Applicants respectfully disagree.

In the Advisory Action mailed August 17, 2009, the Examiner has stated that counter 104c performs “various other counting operations includ[ing] counting number of values for the rate control 107.” The Examiner, however, has not provided support or description of the specific type of values that are counted “for the rate control 107.” Applicants reproduce below the following passage of Takashima that describes the types of counting operations performed by counter 104 and supplied to timing control circuit 105. Column 6, lines 62 to col. 7, line 4, states:

The counter 104 is shown on FIG. 5 to be made up of a picture counter 104a, a macro-block counter 104b and a counter 104c for performing various other counting operations. The counter 104 detects horizontal synchronization signals and vertical synchronization signals in the input video signal and counts the clocks in a macro-block, the number of macro-blocks in the picture and the number of pictures in the GOP in a timed relation to these synchronization signals. The count values of the counter 104 are supplied to the timing control circuit 105.

Applicants have been unable to find any other portion of Takashima that specifically describe “various other counting operations” of counter 104c. As shown above, counter 104 detects “horizontal synchronization signals and vertical synchronization signals in the input video signal and counts the clocks in a macro-block, the number of macroblocks in the picture and the number of pictures in the GOP in a timed relation to these synchronization signals.” Applicants respectfully submit that “counting clocks in a macroblock” and/or the “number of pictures” in a group of pictures does not equate to counting a “current byte count of the uncompressed image data.”

Nowhere does passage nor in any other portion of Takashima does it state that counter 104 provides timing control circuit 105 with “...a respective current byte count of the uncompressed image data” as claimed. On page 2 of the Advisory Action, the Examiner has asserted that “the rate control 107 uses one of these various counting operations to count number of bits (8 bits is a byte) of the current picture (S412 of figure 8) and number of bits per macroblock (S413 of Figure 8).” However, rate control 107 is altogether a different element from counter 104, which the Examiner has characterized as providing the claimed processor with a “current byte count of uncompressed image data.” Additionally, whether or not the values provided by counter 104 to rate control 107 assist rate control 107 in counting

bytes, there still remains no teaching that counter 104 “provid[es] the processor . . . a respective current byte count of the uncompressed image data.”

Although Applicants disagree with the Examiner’s reading of Takashima, Applicants have amended claim 55 in order to expedite prosecution and clarify the claim language. As shown above, claim 55 now recites in pertinent part, a compressor including a “first data storage queue... coupled to provide the processor separate from uncompressed image data stored in the first data storage queue, a respective current byte count of a current frame of the uncompressed image data stored in the first data storage queue...to allow the processor to facilitate an adjusting of a target frame rate.” Applicants respectfully submit that Takashima also fails to teach or disclose providing the processor with “a respective current byte count of a current frame of the uncompressed image data stored in the first data storage queue.”

Consequently, Takashima fails to disclose each and every element of claim 55, as required under M.P.E.P. § 2131. Independent claims 50 and 62 include similar novel elements as independent claim 55. Thus, for at least the reasons that claim 55 are patentable, as well as for their own individual novel features, claims 50 and 62 are likewise patentable over Takashima.

As for dependent claims 51 – 54, 56 – 61, 63, and 64 these claims depend from independent claims 50, 55, or 61 incorporating their recitations. Thus, for at least the reason that claims 50, 55, or 61 are patentable over Takashima as described above, claims 51 – 54, 56 – 61, 63, and 64, are likewise patentable over Takashima.

Accordingly, Applicants request that the instant §102 rejections of claims 50 – 64 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 407-1561 if the Examiner believes that an interview might be useful for any reason.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a).

If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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